

## Message Text

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44

ACTION SCS-01

INFO OCT-01 SS-14 ISO-00 EUR-08 SCA-01 L-01 SY-02 INR-05

PRS-01 RSC-01 /035 W

----- 042737

P 021500Z JAN 75

FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC PRIORITY 5843

C O N F I D E N T I A L MOSCOW 0047

LIMDIS

E. O. 11652: GDS

TAGS: GDS, CGEN (HENDRIX, JAMES M)

SUBJ: JURISDICTION QUESTION IN HENDRIX CASE

REF: A. STATE 284325

B. MOSCOW 0009

C. MOSCOW 19173

1. EMBASSY GRATEFUL FOR REF A PARA 5 BACKGROUND INFORMATION RE POTENTIAL RECIPROCITY IMPLICATIONS IN U.S. EXERCISE OF JURISDICTION OVER HENDRIX. WITH REFERENCE TO PENULTIMATE SENTENCE, EMBASSY DOES NOT, HOWEVER, CONSIDER THAT MFA CONSULAR ADMINISTRATION OFFICER GRANTED QUOTE ORAL WAIVER OF JURISDICTION END QUOTE. OUR VIEW IS THAT SOVIETS MERELY HAVE NOT MOVED TO ASSERT THEIR JURISDICTION NOR, TO OUR KNOWLEDGE, GIVEN ANY INDICATION THEY MAINTAIN THEY COULD EXERCISE JURISDICTION. EMBASSY INCLINATION, AT LEAST AT THIS TIME, IS THAT WE SHOULD NOT RPT NOT MAKE FORMAL REQUEST FOR WRITTEN WAIVER OF JURISDICTION AND THEREBY FORCE SOVIET GOVERNMENT TO RULE ON QUESTION FORMALLY. EMBASSY REMAINS CONCERNED ABOUT GETTING HENDRIX OUT OF USSR AND BELIEVES US INTERESTS ARE BEST SERVED AT THIS TIME BY AVOIDING TO EXTENT POSSIBLE FORMAL DIALOGUE WITH SOVIETS RE JURISDICTION QUESTION. ALSO, IF SOVIETS GRANTED FORMAL WAIVER OF JURISDICTION AND HENDRIX SUBSEQUENTLY BEAT CHARGES IN U.S. COURT ON TECHNICALITIES OF JURISDICTION QUESTION, BOTH GOVERNMENTS MIGHT BE EMBARRASSED.

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2. EMBASSY HAS NOT RPT NOT RECEIVED ANY REACTION TO ITS INFORMAL INQUIRY DESCRIBED PARA 4 REF C, BUT TENTATIVELY RPT TENTATIVELY WE ARE CONSIDERING POSSIBILITY OF ENDEAVORING TO ARRANGE FOR TRANSIT OF HENDRIX FROM SHIP TO SHEREMETEVO, ACCOMPANIED BY CONSOFF, ONE OR TWO MEN FROM SHIP, AND PERHAPS U.S. MARSHALL. WE SPECULATE WE MIGHT ALSO REQUEST MILITIA OR KGB OFFICERS TO ACCOMPANY GROUP QUOTE TO ASSURE NO CRIME IS COMMITTED IN USSR END QUOTE. WE WOULD NOT WANT HENDRIX TO STAY OVERNIGHT IN MOSCOW IN CIRCUMSTANCES, AND WE WOULD WISH TO ACCOMPANY HIM TO PLANE AT SHEREMETEVO FOR IMMEDIATE DEPARTURE IN COMPANY OF U.S. MARSHALL OR OTHER COMPETANT US ESCORT.

3. EMBASSY WILL PROVDE WHEN POSSIBLE ESTIMATED TRAVEL TIME FROM POTI TO MOSCOW.

4. SENARIO IN PARA 2 IS OFFERED MERELY AS SUGGESTION FOR CONSIDERATION. WE WOULD APPRECIATE REACTION OF STATE AND JUSTICE AND ALSO INDICATION WHETHER JUSTICE CONSIDERS IT FEASIBLE TO OBTAIN WARRANT AND DISPATCH US MARSHALL TO MOSCOW OR POTI NEXT WEEK, ASSUMING THAT EVIDENCE IS FORTHCOMING AS OUTLINED IN REF C.

5. EMBASSY HOPES TO CABLE SUMMARY OF AUTOPSY REPORT JAN 3 AND SUMMARY OF WITNESSES' STATEMENTS ON JAN 6.  
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## Message Attributes

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**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Draft Date:** 02 JAN 1975  
**Decaption Date:** 28 MAY 2004  
**Decaption Note:** 25 YEAR REVIEW  
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